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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,510	01/28/2004	Robert W. Warren JR.	STL11664/390-056-USP	5962
64776 7590 01/22/2008 HENSLEY KIM & HOLZER, LLC 1660 LINCOLN STREET SUITE 3000 DENVER, CO 80264			EXAMINER COLEMAN, VANESSA V	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,510	WARREN, ROBERT W.	
	Examiner	Art Unit	
	Vanessa (Brandi) Coleman	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-12, 15, 17-20 and 23 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 8, 13, 14, 16, 21, 22, 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Finality

1. The finality of the Office action mailed 11 September 2007 is hereby withdrawn in view of the new ground of rejection set forth below.

Allowable Subject Matter

2. The indicated allowability of claims 2, 3, 11, 12, 18, and 19 is withdrawn in view of the newly discovered reference(s) to Nakamura et al., US Patent 5808995.

Rejections based on the newly cited reference(s) follow.

Response to Arguments

3. Applicant's arguments, see pages 8 to 10, filed 13 November 2007, with respect to the rejection(s) of claim(s) 1, 4, 7, 9, 12, 15, 17, 20 and 23 under 23 U.S.C. 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nakamura et al., US Patent 5808995.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 9-12, 15, 17-20, and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al., US patent 5808995 (hereafter "Nakamura").

Regarding Claim 1, Nakamura discloses a method comprising: dividing a storage medium into a plurality of logical zones, the storage medium having an inner diameter and an outer diameter, each logical zone extending radially from the inner diameter to the outer diameter (see sectors as shown in Fig. 6, where a sector reads on "logical zone"); and writing data from a first stream of data within determined bounds of a first logical zone of the plurality of logical zones, wherein the bounds of the first logical zone are determined by an amount of time for rotating through the first logical zone based on a rotational speed of the storage medium and a size of the first logical zone (See Col. 3, lines 49-56; where the relationship between the rotational speed of the disk and size of each sector as it relates to the recording of data in each sector is discussed).

Regarding Claim 2, Nakamura suggests the method of claim 1, wherein dividing the storage medium into a plurality of logical zones comprises determining a number of logical zones based on the rotational speed of the storage medium and an output data rate (Col. 3, lines 38-56, where such a division is inherent to recording data to sectors in the disclosed method).

Regarding Claim 3, Nakamura suggests the method of claim 1, wherein dividing the storage medium into a plurality of logical zones comprises determining a number of logical zones based on a data transfer rate of the data storage device and an expected output data rate supported by the data storage device (Col. 3, lines 38-56, where such a division is inherent to recording data to sectors in the disclosed method).

Regarding Claim 4, Nakamura discloses the method of claim 1, further comprising recording an index for at least the beginning of the first logical zone (Fig. 6, sector address 301b).

Regarding Claim 7, Nakamura discloses the method of claim 1, further comprising writing data from a second stream of data in a second logical zone of the plurality of logical zones (Col. 3, lines 49-56, where data from a second stream would be recorded into a second sector sequentially as described).

Regarding claims 9-12 and 15, the claims are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-4 and 7. Therefore apparatus claims 9-12 and 15 correspond to method claims 1-4 and 7, and are rejected for the same reasons of anticipation (obviousness) as used above.

Regarding Claims 17-20 and 23, the claims are drawn to the product corresponding to the method of using same as claimed in claims 1-4 and 7. Therefore product claims 17-20 and 23 correspond to method claims 1-4 and 7, and are rejected for the same reasons of anticipation as used above.

Allowable Subject Matter

6. Claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record alone or in combination fails to teach or suggest a method, apparatus, or optical disk featuring the limitations of claim 1, 9, or 17, further limited to determining a current location on the storage medium; determining whether the current location is a beginning of the first logical zone; and responsive to determining that the current location is not the beginning of the first logical zone, waiting for the storage medium to rotate to the beginning of the first logical zone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

Application/Control Number: —
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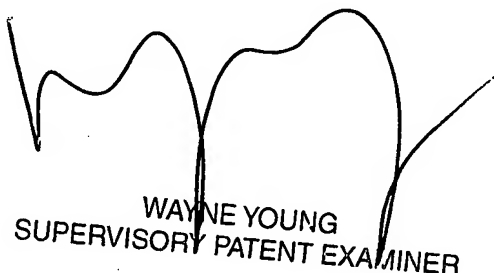
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman
Art Unit 2627

VC



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER